



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 7, 2015

Mr. Benjamin V. Lugg  
Attorney  
San Antonio Housing Authority  
P.O. Box 1300  
San Antonio, Texas 78295-1300

OR2015-08932

Dear Mr. Lugg:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 562732.

The San Antonio Housing Authority (the "authority") received a request for the following categories of information regarding holders of Section 8 housing vouchers: 1) addresses, 2) race and ethnicity of the voucher holder, 3) the percentage of each voucher holder's income earned through wages, 4) the number of individuals under the age of 18 who are dependents of and living with the voucher holder, 5) whether the voucher holder or a household member has a disability, 6) whether the voucher holder or a household member is elderly, and 7) the number of bedrooms in the unit obtained with the voucher. You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.104, 552.105, 552.106, 552.107, 552.110, 552.111, 552.112, 552.113, 552.116, 552.117, 552.125, 552.128, 552.130, 552.131, 552.136, 552.137, 552.143, 552.146, 552.147, 552.149, and 552.153 of the Government Code.<sup>1</sup> We have considered the exceptions you claim.

We must address the authority's procedural obligations under section 552.301 of the Government Code when requesting a decision from this office under the Act. Pursuant to section 552.301(e), a governmental body must submit to this office within fifteen business

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<sup>1</sup>We note although you also raise sections 552.021 and 552.301 of the Government Code, those sections are not exceptions to disclosure under the Act.

days of receiving an open records request (1) written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. *See* Gov't Code § 552.301(e). The authority received the request for information on February 16, 2015. However, as of the date of this letter, the authority has not submitted for our review written comments stating the reasons why the stated exceptions apply or a copy or representative sample of the information requested. Consequently, we find the authority failed to comply with section 552.301 of the Government Code.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with section 552.301 results in the legal presumption the requested information is public and must be released unless a compelling reason exists to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to section 552.302); *see also* Open Records Decision No. 630 (1994). Generally, a compelling reason to withhold information exists where some other source of law makes the information confidential or where third-party interests are at stake. Open Records Decision No. 150 at 2 (1977). Because the authority has failed to comply with the procedural requirements of the Act, it has waived all of its claimed discretionary exceptions to disclosure. *See* Open Records Decision No. 663 at 5 (1999) (untimely request for decision resulted in waiver of discretionary exceptions). Although the authority also raises mandatory exceptions to disclosure, because the authority has not submitted the requested information for our review, we have no basis for finding any of the information is excepted from disclosure or confidential by law. Thus, we have no choice but to order the authority to release the requested information pursuant to section 552.302. If you believe the information is confidential and may not lawfully be released, you must challenge this ruling in court pursuant to section 552.324 of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi L. Godden". The signature is fluid and cursive, with the first name "Kristi" being more prominent than the last name "Godden".

Kristi L. Godden  
Assistant Attorney General  
Open Records Division

KLG/cz

Ref: ID# 562732

Enc. Submitted documents

c: Requestor  
(w/o enclosures)